HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 3906 OF 2006

DATED: 2.3.2006

Between:

Mariam Bibi and others

… Petitioners

and

The Mandal Revenue Officer,

Medikondur Mandal, Guntur District

And another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.3906 OF 2006

ORAL ORDER:

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The writ petition is misconceived.

The writ petition is founded on a misconception of essential legal principles, both by the petitioners and the counsel.

The 1st petitioner's husband one Shaik Abdul Nabi was the permanent authorisee of the fair price shop of Perecharla village, Medikondur Mandal, Guntur District. Sri Abdul Nabi died on 6.8.2004. Thereafter, the 1st petitioner claims to have been de facto running the shop. The 2nd respondent notified the permanent vacancy of the fair price shop for being filled up by soliciting applications. The 2nd and 3rd petitioners, who are the daughters-in-law of the 1st petitioner and of late Abdul Nabi, also applied. By the communication dated 28.1.2006 of the 2nd respondent-RDO, four individuals who were the applicants pursuant to the said notification, including petitioners 2 and 3, were called to attend an interview on 28.2.2006 along with the original certificates, for consideration for appointment as a permanent fair price shop dealer in the vacancy, consequent on the death of Sri Abdul Nabi.

The learned counsel for the petitioner pleades that a direction be issued by this court that the candidature of the 2nd and 3rd petitioners be considered on a preferential basis since they are the daughters-in-law of Sri late Abdul Nabi, who was an ex-serviceman and the family is dependent exclusively for sustenance on the income derived from the authorization.

It is neither pleaded, urged nor demonstrated that the daughters-in-law of a deceased ex-serviceman, who was earlier an authorisee of a fair price shop, are entitled to any preferential consideration for allotment of a fair price shop. In the absence of any legal regime, it is neither the province nor the jurisdiction of this court to create preferences and quotas. The writ petition is presented on the basis of a fundamental misconception and invites rejection.

The writ petition is accordingly dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 2.3.2006

cvm